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REMARKS*Introduction*

Applicant has amended independent claim 1, canceled claim 2,
5 amended dependent claim 9, amended independent claim 11, amended
claims 12 and 13 to become independent claims, and amended claim 23.

Claims 1 — 52 are now pending in the application. There are a total
of 52 claims pending in the application. A total of 26 claims were added,
claims 27 — 52.

10 There are 7 independent claims: they are claims 1, 11, 12, 13, 16,
20, and 24.

Typographical errors were corrected in dependent claims 9 and 23. No
substantive changes were made to claims 9 and 23.

15 *Drawings*

In response to the Official Draftsperson's review, applicant is
submitting formal drawings. The character of the lines numbers and letters
should now be uniformly thick and well-defined. The numbers, reference
characters, and figure legends should now be considered plain and legible.

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Rejection under 35 USC § 112

The examiner has rejected claims 1 — 10 under 35 USC § 112, second
paragraph, as being indefinite.

In particular, the examiner finds confusing applicant's description of
25 the "extending portion" as "extending from the bearing surface" in claim 1,
saying the examiner cannot tell in which direction the extending portions
extend, and if they extend downwardly, then claim 2 which calls for the
extending portion to comprise a groove conflicts with claim 1.

Claims 3 through 10 depend from claim 1.

30 Applicant has amended claims 1 and 2 to make it clear in which
direction the "extending portions" of claims 1 — 10 extend.

With respect to claim 1, Applicant has amended claim 1 to say that
the extending portions extend away from the head of the stud and the head
of the stud lies above the top surface of the plate, the top surface of the
35 plate being the opposite surface of the bearing surface on the plate.

1 No new matter is added by the amendment to claim 1 described above.

Support for describing the bearing leg of the plate as having "top surface" is found at page 13, line 10, and the orientation of the top surface
5 to the bearing surface is shown in figure 7, wherein cone 628 is shown arising from the top surface.

Support for describing the stud as having a "pointed end" is found in drawing figures 1B, 9C, and 10B, in the specification at page 14, line 6, and in U.S. Patent 5,634,756 which was incorporated by reference.

10 Support for describing the stud as having a "head" is found in drawing figures 1B, 9C, and 10B, and in U.S. Patent 5,634,756 which was incorporated by reference.

Support for describing the head of the stud as being disposed above the top surface of the plate is found in drawing figures 1B, 9C, and 10B.

15 Support for describing the extending portions as extending away from the head of the studs is found in drawing figures 1B, 9C and 10B.

Claim 2 has been canceled, and the substance of claim 2 has been incorporated into claim 1 with the change that the plate is now described as having a groove that corresponds in location to the extending portion.

20 Support for this amendment is found in the specification at page 6, line 18.

Rejection under 35 USC §102 - Poupitch

The examiner has rejected claims 1, 5, 6 and 8 as being anticipated by
25 U.S. Patent 2,735,470, granted to Poupitch.

In particular, the examiner notes that Poupitch teaches extending portions, extending from the bearing surface of the plate (claim 1 of the present invention) and forming the plate with a raised portion (claim 5 of the present invention).

30 Applicant notes that claim 5 depends from claim 1, claim 6 depends from claim 1, and claim 8 depends from claim 5.

To avoid the examiner's rejection of claim 1, and its dependent claims, applicant has amended claim 1 to state that a substantial portion of the shank of the stud is disposed above the top surface of the plate so that said
35 stud may be received in the barrel of a power actuated gun.

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1 This does not appear to be possible in Poupitch, since the screw of Poupitch is formed with shoulders 32 to hold the washer in preassembled relationship next to the head 16 of the screw.

Applicant also notes that the limitation of claim 2 has been
5 incorporated into claim 1. The examiner did not reject claim 2 in light of Poupitch.

Since claims 5, 6 and 8 depend from claim 1, applicant believes these claims are also now allowable over Poupitch.

10 *Rejection under 35 USC §102 - Losada '883*

The examiner has rejected claims 1 — 7, 11 and 14 as being anticipated by U.S. Patent 4,703,833, granted to the inventor of the present application.

In particular, the examiner notes that Losada '883 teaches extending
15 portions, extending from the bearing surface of the plate (claim 1 of the present invention) and forming the plate with a cone (claim 6 of the present invention).

Applicant notes that claim 2 has been canceled and claims 3 — 7 depend from claim 1.

20 In amending claim 1 to overcome the Section 112 rejection, applicant believes that claim 1 has been amended in such a way that it can no longer be read to be anticipated by Losada '883. Applicant believes the examiner was reading claim 1 of the present application in a way that allowed the extending portions to extend toward the head of the stud. Applicant has
25 now amended claim 1 to say that the extending portions extend away from the head of the stud.

Therefore, Applicant believes claim 1 and its dependent claims 2 — 7 avoid Losada '883.

Claim 11 is an independent claim. Claim 14 depends from claim 11.
30 The examiner has also rejected claim 11 in light of Losada '883.

Applicant has amended claim 11 to specify that the guide means is an extending portion extending away from the bearing surface as in amended claim 1.

Applicant believes no new matter is added by the amendments to
35 claim 11.

1 Support for describing the bearing leg of the plate as having "top surface" is found at page 13, line 10, and the orientation of the top surface to the bearing surface is shown in figure 7, wherein cone 628 is shown arising from the top surface.

5 Support for describing the stud as having a "pointed end" is found in drawing figures 1B, 9C, and 10B, in the specification at page 14, line 6, and in U.S. Patent 5,634,756 which was incorporated by reference.

Support for describing the stud as having a "head" is found in drawing figures 1B, 9C, and 10B, and in U.S. Patent 5,634,756 which was
10 incorporated by reference.

Support for describing the head of the stud as being disposed above the top surface of the plate is found in drawing figures 1B, 9C, and 10B.

Support for describing the extending portions as extending away from the head of the studs is found in drawing figures 1B, 9C and 10B.

15 In light of the amendments to claim 11, applicant believes claim 11 and dependent claim 14 are now allowable over Losada '883.

Rejection under 35 USC §102 - Van Allman '216

The examiner has rejected claims 1, 3, and 5 — 8 as being anticipated
20 by U.S. Patent 5,292,216, granted to Van Allman.

In particular, the examiner notes that Van Allman '216 teaches extending portions, extending from the bearing surface of the plate (claim 1 of the present invention), forming the plate with a conical shape (claim 6 of the present invention), and that the stud can be held with its point above the
25 bearing surface, flush with the bearing surface or below it.

Applicant notes that claim 2 has been canceled and claims 3, and 5 — 8 depend from claim 1.

In amending claim 1 to overcome the Section 112 rejection, applicant believes that claim 1 has been amended in such a way that it can no longer
30 be read to be anticipated by Van Allman '216. Applicant believes the examiner was reading claim 1 of the present application in a way that allowed the extending portions to extend toward the head of the stud. Applicant has now amended claim 1 to say that the extending portions extend away from the head of the stud.

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1 Applicant also notes that the limitation of claim 2 has been
incorporated into claim 1. The examiner did not reject claim 2 in light of
Poupitch.

Therefore, Applicant believes claim 1 and its dependent claims 2 — 7
5 avoid Van Allman '216.

Allowable Subject Matter

Applicants would like to thank the examiner for indicating that claims
12, 13, 15, 25 and 26 would be allowable if rewritten so that the dependent
10 claims in the set were written in independent form.

Claim 12 had depended from claim 11, and has been rewritten to
incorporate the limitations of claim 11 as previously submitted.

Claim 13 had depended from claim 11, and has been rewritten to
incorporate the limitations of claim 11 as previously submitted.

15 Claim 15 depends from claim 12, and should now be ready for
allowance.

Claim 25 depends from claim 12, and should now be ready for
allowance.

Claim 26 depends from claim 13, and should now be ready for
20 allowance.

Allowed Claims

Applicants would like to thank the examiner for indicating that claims
16 — 24 are allowed.
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New Claims

Claim 27 has been added. Claim 27 depends from claim 5, and adds
to claim 5 the limitations described in claim 3.

Claim 28 has been added. Claim 28 depends from claim 27, and adds
30 to claim 27 the limitations described in claim 4.

Claim 29 has been added. Claim 29 depends from claim 28, and adds
limitations described in original claim 16.

Claim 30 has been added. Claim 30 depends from claim 29, and adds
the limitation of original claim 19.

35 Claims 31 and 32 have been added. Claims 31 and 32 correspond to
claims 29 and 30, but depend from claim 5.

1 Claims 33 — 38 have been added. The correspond to newly added
claims 27 — 32, but depend from claim 14.

 Claims 39 — 45 have been added. Claim 39 adds the limitation of
claim 5 to claim 12. Claims 40 — 45 correspond to newly added claims 27
5 — 32, as well, but depend from claim 39.

 Claims 46 and 47 have been added. Claims 46 and 47 correspond to
newly added claims 40 and 41 but depend from claim 16.

 Claim 48 has been added. Claim 48 adds the limitations of claim 19
to claim 47.

10 Claim 49 has been added. Claim 49 adds the limitations of newly
added claim 42 to claim 23.

 Claim 50 has been added. Claim 50 adds the limitations of newly
added claim 40 to claim 29.

 Claim 51 has been added. Claim 51 adds the limitations of newly
15 added claim 41 to claim 50.

 Claim 52 has been added. Claim 52 adds the limitations of newly
added claim 43 to claim 51.

Conclusion

20 In view of the above, applicant submits that the claims remaining in
the application are in condition for allowance. Additional examination is
requested, and allowance of the claims at an early date is solicited.

 Applicant's attorney would be happy to answer any questions the
examiner may have regarding this application by phone at 510 832 4111.

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Respectfully submitted,

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30 Reg. No. 41,694

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